IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

Crl.Rev.Pet.No. 2228 of 2007()

REVN. PETITIONER: APPELLANT/ACCUSED:

EDWARD @ MONKUNJU, S/O ANTONY,
AGED 48 YEARS, RESIDING AT KODIVEETTIL HOUSE,
KANJIRAMCHIRA P.O., ALAPPUZHA.

BY ADV. SRI.T.B.SARASAN

RESPONDENTS: RESPONDENTS/COMPLAINANT/AND STATE:

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1. VELAYUDHAN, NIKARTHIL, C.M.C.6,
CHERTHALA (DIED).

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

3. ADDL.R3. V.SHAJI, AGED 42 YEARS,
S/O.K.K.VELAYUDHAN, NIKARTHIL, C.M.C.7,
CHERTHALA. ADDL. R3 IS THE LR OF DECEASED
IST RESPONDENT.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 07/06/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P. NO. 2228 of 2007

Dated this the 7th day of June, 2007

ORDER

The revision petitioner stands convicted for the offence under section 138 N.I.Act and sentenced to undergo simple imprisonment for one month and to pay a compensation of Rs.1,18,000/- to the complainant vide section 357 (3) Cr.P.C and in default to undergo simple imprisonment for one month. I find that the revision petitioner has not sent a reply notice nor has adduced any evidence.

2. On a consideration of the concurrent findings of the courts below, I find no reason to interfere. The Crl.R.P is liable to be dismissed in limine.

3. On a consideration of the plea of the counsel for the petitioner, the sentence is modified to imprisonment till the rising of the court. The rest of the sentence is confirmed. The revision petitioner is granted 6 months' time from today onwards to pay the amount of compensation. The revision petitioner shall appear before the JFCM-I, Cherthala on 7-12-2007 to receive the sentence.

NBW pending, if any, is to be kept in abeyance till then.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

Kvm/